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Satoru Okamoto

SEL 273

9139

7590

12/14/2004

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EXAMINER

DUONG, THOI V

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/934,699

Applicant(s)

OKAMOTO ET AL.

Examiner

Thoi V Duong

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11, 16-19, 21-27 and 34-51 ~~is/are~~ pending in the application.  
4a) Of the above claim(s) 36-51 ~~is/are~~ withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-11, 16-19, 21-27, 34 and 35 ~~is/are~~ rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 0904.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to the Amendment, Paper No. 8, filed August 26, 2002.

Accordingly, claims 1, 2, 6, 7, 19, and 24 were amended, claims 12-15, 20 and 28-33 were cancelled, and new claims 34-51 were added.

However, newly submitted claims 36-51 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the limitations "wherein the first display device or the second display device includes a top gate TFT" recited in claims 36 and "wherein the first display device or the second display device includes an inverse stagger TFT" recited in claim 44 are drawn to a structure type of an active matrix display.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 36-51 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Therefore, claims 1-11, 16-19, 21-27, 34 and 35 are considered in this office action.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-11, 16-19 and 21-27 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-7, 10, 11, 21, 22, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jahagirdar et al. (USPN 6,125,286) in view of Hwang (USPN 5,852,481).

Re claims 1 and 2, as shown in Fig. 9, Jahagirdar et al. discloses a portable electronic device (cellular phone) comprising:

a cover member 904 comprising a first liquid crystal display device 916 for displaying an image (col. 7, line 61 through col. 8, line 1); and

a second liquid crystal display device 914 comprising a touch input operation portion via keypad 912 (col. 7, line 61 through col. 8, line 1),

wherein the first display device and the second display device are attached to each other via a hinge 905 in a longitudinal direction so as to allow opening and closing,

wherein, re claims 4 and 5, the first display device comprises a touch input operation portion via keypad 912 (Fig. 5 and col. 17-39);

wherein, re claims 6 and 7, the second display device displays one of a character, a symbol, and buttons;

wherein, re claims 10 and 11, one of the first display device and the second display device comprises a system for identifying a user (caller ID) as shown in Fig. 8B; and

wherein, re claims 21 and 22, the portable electronic device comprises a speaker 908 as a communication function.

Jahagirdar et al. discloses a portable electronic device that is basically the same as that recited in claims 1, 2, 34 and 35 except that Jahagirdar et al. does not disclose that the second display device and the first display device are an active matrix display.

However, Hwang discloses that there are two types of LCDs, a passive matrix driving LCD and an active matrix driving LCD (AMLCD). Of these LCDs, the AMLCD has mainly used because the switching elements therein independently operate each pixel to obtain a high contrast ratio and a high resolution while minimizing interference between neighboring pixels (col. 1, lines 29-34).

Thus, with the teaching of Hwang, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ an active matrix display for the first display device and the second display device of Jahagirdar et al. to obtain a high contrast ratio and a high resolution (col. 1, lines 29-34).

5. Claims 3, 8, 9 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jahagirdar et al. (USPN 6,125,286) in view of Hwang (USPN 5,852,481) as applied to claims 1, 2, 4-7, 10, 11, 21, 22, 34 and 35 above and further in view of Mack II et al. (USPN 6,510,325 B1).

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The portable electronic device of Jahagirdar et al. as modified in view of Hwang above includes all that is recited in claims 3, 8, 9 and 16-18 except for a third display device comprising an image pickup device and a system for identifying a user.

As shown in Figs. 2D, 3A and 3B, Mack II et al. discloses a portable electronic device comprising:

- a first display device 6 in front of an upper segment 9 (Fig. 3A);

- a second display device 43 (touch pad) in a base segment 8; and

- a third display device 20 provided between the first display device 6 and the second display device 43 (in back of the upper segment 9 in Fig. 3B),

wherein, re claims 8, 9, 16 and 17, the third display device comprises an image pickup device 21 and Mack II et al. also discloses a system for identifying a thief in the event the portable telephone is stolen (col. 5, lines 2-27); and

wherein, re claim 18, the third display device is one of a liquid crystal display device (col. 6, lines 34-52).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the device of Jahagirdar et al. with the teaching of Mack II et al. by forming a third display device comprising an image pickup device and a system for identifying a user so as to provide for automatic user notification and avoid further theft of services (col. 5, lines 2-27).

6. Claims 19 and 23 are rejected under 35 U.S.C. 102(b) being unpatentable by Yabe et al. (USPN 4,809,078) in view of Miyashita et al. (USPN 6,821,553 B2).

As shown in Figs. 1 and 2, Yabe et al. discloses a portable electronic device comprising: a cover member 2 comprising an EL display device having a liquid crystal display panel 51 and an EL panel 60 for displaying an image; and,

a reflection display device 1 comprising a reflecting surface 22 and a touch input operation comprising knobs 32a, 33a and 34a of the tuning dial 32, the audio volume dial 33 and the bright volume dial 34 (col. 3, line 55 through col. 4, line 61),

wherein the cover member and the reflection display device are attached to each other so as to allow opening and closing;

wherein the reflection display device is made to display by irradiating light emitted from the EL display device (see Abstract); and

wherein, re claim 23, the portable electronic device comprises an antenna 27 and radio AM/FM which perform a communication function.

However, Yabe et al. does not disclose that the EL display device is an active matrix display.

As shown in Figs. 7-9, Miyashita et al. discloses a method for manufacturing an active matrix type organic EL display device having excellent luminescence characteristics (col. 2, lines 7-13).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Yabe et al. with the teaching of Miyashita et al. by employing an active matrix EL display device to obtain excellent luminescence characteristics for displaying an image (col. 2, lines 7-13 and col. 19, lines 53-58).

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7. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lebby et al. (USPN 6,158,884) in view of in view of Miyashita et al. (USPN 6,821,553 B2).

Re claim 24, as shown in Figs. 5 and 6, Lebby et al. discloses a portable electronic device 10" comprising a plurality of displays 42, 44 and 46 which are attached to each other so as to allow opening and closing and fabricated with regard to display 27 of Fig. 1A (col. 6, lines 47-65), the display 27 is disclosed as being any of a liquid crystal display, an electroluminescent display, or any other similar type display well known in the art (col. 5, lines 62-67).

Accordingly, the display 42 can be a liquid crystal device and the display 44 can be an EL display device or vice versa,

wherein, re claim 26, the EL display device displays an image (col. 5, lines 62-67).

Re claim 25, as shown in Fig. 1A, the portable electronic device of Lebby et al. also includes a touch input operational portion 28 (control keys) located for convenient use by the operator (col. 7, lines 36-43). Accordingly, the touch input operational portion can be used to function the liquid crystal display device.

However, Lebby et al. does not disclose that the EL display device is an active matrix display as recited in claim 24.

As shown in Figs. 7-9, Miyashita et al. discloses a method for manufacturing an active matrix type organic EL display device having excellent luminescence characteristics (col. 2, lines 7-13).



Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Lebby et al. with the teaching of Miyashita et al. by employing an active matrix EL display device to obtain excellent luminescence characteristics for displaying an image (col. 2, lines 7-13 and col. 19, lines 53-58).

8. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lebby et al. (USPN 6,158,884) in view of in view of Miyashita et al. (USPN 6,821,553 B2) as applied to claims 24-26 above and further in view of Mack II et al. (USPN 6,510,325 B1).

The portable electronic device of Lebby et al. as modified in view of Miyashita et al. above includes all that recited in claim 27 except for an image pickup device.

As shown in Fig. 1A, Mack II et al. discloses a portable telephone comprising an image pickup device 7 for identifying a thief in the event the portable telephone is stolen (col. 5, lines 2-27).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the device of Shibamoto et al. with the teaching of Mack II et al. by forming an image pickup device for identifying a user so as to provide for automatic user notification and avoid further theft of services (col. 5, lines 2-27).

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (571) 272-2292. The examiner can normally be reached on Monday-Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached at (571) 272-2293.

Thoi Duong 

12/12/2004

  
TARIFUR R. CHOWDHURY  
PRIMARY EXAMINER